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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,995	12/20/2001	Sergio Cazzolaro	SCP-109	8530

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,995

Applicant(s)

CAZZOLARO, SERGIO

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s) _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of "cut-outs" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract contains the word "said".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilberto (EP884425) in view of Couse et al (2882564).

Gilberto (figure 1) shows a composite structure having at least two coupled structures (2) having a plurality of pairs of scissors-connected tubular elements (4) having extremities hinged in universal joints, the joints being integral delimited by substantially equal and parallel faces and forming four seats (5) each in correspondence with a side face to accept hinged elements, the at least two coupled structures when superimposed forming a fifth seat in which is fixed an extremity of an extendible telescopic tubular element (3) whose other extremity is fixed to an opposed universal joint, .

Gilberto does not show each of the joints forming a groove along each side of a face forming the four seats proximate to and parallel to a corresponding edge of each said side, which cooperates with a C-sectioned fixing element to hold united two matching universal joints from the two coupled structures, the C-sectioned fixing element being substantially rectangular sheet of flexible material having two opposite folded and inverted edges, the edges mating those of the grooves on the joint, the element being applied on each external face of the joints that are on an external surface of the structure, matching faces of the universal joints of the joined structures forming at least one suitable perforation housing pivots that prevent any movement on a contact surface of the joints.

Couse et al (figure 3) shows a C-sectioned fixing element (44) hold united two matching joints from two coupled structures, the joints each having a groove (33) along each side of a face proximate to and parallel to corresponding edge of each said side, the element being substantially rectangular sheet of flexible material having two opposite folded and inverted edges (the

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rounded edges at the end of the sheet constitutes the opposite folded and inverted edges), the edges mating those of the grooves on the joint, the element cover the external face of the joints

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto to show each of the joints forming a groove along each side of a face forming the four seats proximate to and parallel to a corresponding edge of each said side, which cooperates with a C-sectioned fixing element to hold united two matching universal joints from the two coupled structures, the C-sectioned fixing element being substantially rectangular sheet of flexible material having two opposite folded and inverted edges, the element being applied on each external face of the joints that are on an external surface of the structure because the C-sections would ensure the tight coupling of the structures together and the C-section would also provide an aesthetic cover for the joint between the coupling.

Per claims 6, 14-17, Gilberto as modified by Couse et al shows all the claimed limitations except for the C-section forming cut-outs corresponding to the seats for the hinged extended elements.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto's modified structure to show the C-section forming cut-outs corresponding to the seats as the cut-out would allow movement and location of the hinged extended elements.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Jang (5794640).

Jang (figure 8) shows a universal joint of substantially parallelepiped formed forming four hinging seats (101) in one of a larger face in correspondence with each side face, each side of the larger face having the four hinging seats forming a groove (101a) proximate to and parallel to a corresponding edge of each said side, the larger face forming an internal surface, a fifth seat into which is fixed the extremity of an extendible telescopic tubular element (the pole in the center).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different composite structures with universal joints.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A *PA*
December 29, 2002

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lanna Mai